

RESPONSE TO OFFICE ACTION
DATED AUGUST 18, 2006

Appln. No. 10/526,177

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December 18, 2006

REMARKS

This is in response to the Office Action dated August 18, 2006. Reconsideration is respectfully requested.

Request for Extension of Time

Applicants request that the time period to respond to the Action be extended one-month, from November 18, 2006 to December 18, 2006. Authorization is hereby given to charge the one-month extension fee of \$120 as listed on enclosed Credit Card Form PTO-2038.

Claim Rejections

Claims 1, 2 and 14-18 have been rejected under 35 USC 112 as being indefinite. Amendments to the claims addressing the issues raised by the Examiner in his rejections of Claims 1 and 18, as well as correction of other minor informalities, have been made.

With respect to the expression "apparent thickness", it is well known that bulky yarns have an apparent thickness which may be visually larger than monofilaments or threads and yarns wherein a plurality of distinct filaments are bundled together under tension. It is this difference that is being referred to in the specification and is set forth in Claim 1. It is respectfully suggested that the rejection be withdrawn inasmuch as one of ordinary skill in the art would not be confused by what is being claimed.

Claim 1 has been rejected under 35 USC 102(b) as being anticipated by Japanese Publication No. 11-279907. This document is understood to be, in substance, the same as U.S. Patent No. 6,389,851 (copy enclosed). Claim 1 has been amended to specify that the main elastic yarns have a single fiber fineness of 1000 to approximately 4000 dtex and of which stretch at 10% elongation, is more than .1 cN per dtex.

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Furthermore, the last three lines of the claim specify that the surface of the main inserted yarn is composed of multiple fibers and that the main stitch yarn is less than 1/2 of the total fineness of the main elastic yarn. These features are not found in the Japanese patent document cited nor in the English language equivalent referenced above. It is noted that 1000 to approximately 4000 dtex is many times thicker than the fiber thickness suitable for wearing apparel as will be made clear by the comments made immediately below in responding to the Examiner's rejections on the grounds of obviousness.

Obviousness Rejection

Claims 2 and 14-18 were rejected under 35 USC 103(a) as being unpatentable over Japanese Publication No. 11-279907. The following remarks are made with reference to U.S. Patent No. 6,389,851, which, as noted, is considered to be the English language equivalent of the Japanese patent document relied upon. Although the specification of this patent does begin with the general statement that the invention relates to a cloth fabric, it is clear that what is being referred to is a cloth fabric suitable for clothing. Note, for example, the preamble language of Claims 1, 28, 29, 30 and 31. In considering use of a fabric for clothing, as compared with its use as a support of the kind described in the specification, U.S. Patent No. 5,065,600 (copy enclosed) is exemplary. This patent typifies the requirements a fiber fineness for wearing apparel giving examples wherein the single fiber fineness is less than 3 denier. For example, in Example 5 of the '600 patent, the fineness is calculated as 168/68 denier or 2.47 denier which works out to 2.72 dtex. In comparison, applicants' invention because of the use to which it is put uses a single fiber fineness of 1000 to approximately 4000 dtex. This solves a problem which arises because the fabric of the present invention is intended for a cushioning surface

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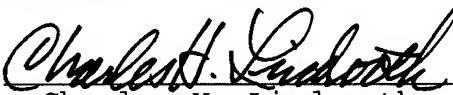
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of a support for a body and such a surface must avoid the formation of recesses in its surface and of "puckering" which occurs because of load-hysteresis fatigue which would otherwise occur through prolonged usage when a body is repeatedly seated on the support for long periods of time. The claim further contains the limitation that stress at 10% elongation is more than 0.1 cN/dtex. For example, a polyether/ester elastic yarn at which stress at 10% elongation is about 0.27 cN/dtex is used in the warp knitted fabric of the present invention. It is submitted that there is no suggestion at all in the cited prior art for the use of fibers of the size found in the reference cited. It is submitted that one of ordinary skill in the art of supports, when dealing with the kind of forces that support must withstand repeatedly and over long periods of time, would not resort to patents such as the '851 patent or the '600 patent for a solution for his problems. These are not taught nor suggested by any known prior art, including the prior art cited.

Respectfully submitted,

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Enclosures